IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5084 OF 2007.
IN
FIRST APPEAL (ST) NO.20067 OF 2007.

The New India Insurance Co Ltd ...Applicant

Versus

Shri Mallapa Budhappa Gadimani & Ors. ...Respondents

Ms D.S.Shah for the Applicant.
Shri T.J.Menon for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : 10th December, 2007.

P.C.:

1. Heard advocate for the applicant. She states that the respondent No.6 has been served with private notice and affidavit of service will be filed within two weeks. The statement is accepted.

2. This application for condonation of delay of 522 days is opposed by the learned counsel appearing for the respondent Nos.1 to 5. Though the explanation offered in the application is not satisfactory, considering the grounds made in the appeal, delay deserves to be condoned subject to payment of costs.

3. Accordingly, application is allowed in terms of prayer clause (a) subject to condition that the applicant will pay costs of Rs.7,500/- to the respondent

Nos.1 to 5 within a period of six weeks from today. Deposit of the amount of costs in this Court will be treated as sufficient compliance. Payment of costs will be a condition precedent. If compliance is not made, this application will stand dismissed for non prosecution without further reference to the Court.

4. Perusal of the certificate produced by the applicant shows that only the principal amount has been deposited by the applicant and interest component has not been deposited. If the balance amount payable as per the impugned judgment and order is not deposited within a period of six weeks from today and if certificate to that effect is not filed within a period of seven weeks from today, appeal will stand dismissed for non prosecution.

5. As and when appeal is registered, the same shall be immediately placed for "admission" thereafter.

JUDGE